

MONTANA LEGISLATIVE HISTORY

Chapter 127 19 73

Bill H _____ S 329 Original bill & history C

H. Committee on Local Gov.

Hearing Date(s) 2-21 ☒ C

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Date Out 2-21 C

S. Committee on Local Gov.

Hearing Date(s) 2-10 ☒ C

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_____ C

Did this bill originate in an interim committee? Yes No

Committee _____

Report _____

SENATE COMMITTEE

ON

LOCAL GOVERNMENT

MINUTES
11TH MEETING
FEB. 10, 19

Senator Thiessen called this meeting to order at 7:30 a.m. in Room 410 of the State Capitol Building.

Roll Call was taken. All members, except for Senator Hall, were present. ROLL CALL

SENATE BILL 183 - This bill had been discussed at length in a previous meeting. The bill had originally been introduced by Senator Drake, but was carried by Senator Bennett when Senator Drake became ill. The bill was in sub-committee headed by Senator Goodheart. It was decided that Senator Harrison would prepare some amendments for this bill and would present them to the Committee at the 11:00 a.m. meeting. SB 183

SENATE BILL 221 - this bill was previously introduced by Senator McNamer. Senator Harrison moved the proposed amendment, in Committee reports, and it was seconded by Senator Northey. PASSED Senator Harrison then moved the bill, as amended, do pass; seconded by Senator Northey. PASSED UNANIMOUSLY. SB 221

SENATE BILL 214 - This is the airport authority bill which received a do pass at a previous meeting. Mr. Strope, representing the Hotel, Motel Industry, testified saying he would propose an amendment to the bill. Don Garrity, of Dain, Kalman, & Quail, said his firm had no objection to the above change. Its for the purpose of making bonds tax-exempt. After further discussion, the Committee decided to let the bill go, since it had already been passed out of Committee with amendments. Senator Thiessen suggested it might be wise to see if it's passed in the House before making further amendments. SB 214

SENATE BILL 307- This bill, which had been discussed at a previous meeting, was put up for a vote to the Committee. The bill deals with optional forms of county governments and is a companion to HB 24. Dean Zinnecker testified that HB 24 makes no provisions for procedure to increase or decrease the board; therefore HB 24 is totally unworkable according to Mr. Zinnecker. SB 307

Senator Harrison noted that while HB 24 was much less comprehensive, it only repealed two sections of the law and SB 307 repealed 26 sections of law. Mr. Zinnecker replied that all the repealed statutes were conflicts in the law.

Dean Zinnecker proposed the following amendments to SB 307: SB 307 (con
AMENDMENTS

Amend page 3, line 1 and line 2 after the word "petition" in line 1 by deleting the words "the first petition submitted shall be the one" and inserting in lieu thereof the words "a primary election shall be held to determine the form to be"

Senator Aber moved this amendment do pass; seconded by Senator Story. PASSED UNANIMOUSLY.

further amend page 17, line 14 after the word "county" by inserting the following new material: "The elected county executive shall be elected in the same manner as the other county officials."

Senator Bertsche moved this amendment do pass; seconded by Senator Story. PASSED UNANIMOUSLY.

Senator Bertsche moved the bill, as amended, do pass; seconded by Senator Goodheart. PASSED UNANIMOUSLY.

SENATE BILL 328 - This bill had come back to Committee from the floor. Senator Harrison said the Mr. Morrison had talked to him and they had taken the law to the Supreme Court and they had upheld them. Senator Goodheart moved the bill do not pass; seconded by Senator Bertsche. DO NOT PASS SB 328

SENATE BILL 329- This is a companion bill to SB 328, SB 329
~~both deal with the letting of contracts over \$4,000.~~
Dean Zinnecker explained to the Committee that the bills (including SB 330) were all revised by striking the old language in an effort to make cities, counties, and schools under the same language.

Senator Northey noted that he was in favor of deleting the \$2,500 figure and inserting \$4,000. He also suggested reinserting all the stricken language and deleting all new language.

Senator moved his amendment as above stated; and further moved to amend by deleting the word "repair" from the title; Senator Bertsche seconded the amendment. AMENDMENTS
PASSED UNANIMOUSLY.

Senator James moved the bill, as amended, do pass; seconded by Senator Bertsche. PASSED UNANIMOUSLY.

LOCAL GOVERNMENT

LOCAL GOVERNMENT

Date 2-10-73

Senate

Bill No. 329

Time 11:00 a.m.

NAME

YES

NO

Cornie Thiessen, Chairman

X

B.J. (Swede) Goodheart

X

~~Bill Thiessen~~

X

Veg. Estate Hall

Absent

David James

X

Gordon McOmber

X

Larry Aber

X

Tom Harrison

X

Harb Klinder

X

Harry Northey

X

Pete Story

X

Vondene Zander

Secretary

Cornie R. Thiessen

Chairman

Motion: Amend the Title of SB 329 - Amend the title, line 8 after the
word "CONSTRUCTION" by deleting the punctuation and word ", REPAIR"

ADJ. CLERK

SENATE JOURNAL

Date 2-10-73 Senate Bill NO. 329 Time 11:00 a.m.

NAME	YES	NO
Cornie Thiessen, Chairman	X	
B.J. (Swede) Goodheart	X	
Bill Bertche	X	
Mr. Scott Hall	Absent	
David Jones	X	
Gordon McOmber	X	
Larry Aber	X	
Tom Harrison	X	
Herb Klindt	X	
Harry Norrby	X	
Pete Story	X	

Vondene Zander
Secretary

Cornie R. Thiessen
Chairman

Motion: Amend SB 329 - Further amend page 1, line 19 after the "." by
reinserting all the stricken material through the word "of" on page 2,
line 2; further amend page 2, line 2 after the word "of" by inserting
the words "four thousand dollars (\$4,000)"; further amend page 2, by
reinserting all the stricken material from line 3 through line 20; further
amend by deleting all new material from page 2, line 20 through page 4,
line 14.

LOCAL GOVERNMENT

Date 2-10-73 Senate Bill No. 329 Time 11:00 a.m.

NAME	YES	NO
Cornie Thiessen, Chairman	X	
B.J. (Swede) Goodheart	X	
Bill Hertche	X	
Mrs. Scott Hall	Absent	
David James	X	
Gordon McOmber	X	
Larry Aber	X	
Tom Harrison	X	
Herb Elinder	X	
Harry Norrby	X	
Pete Story	X	

Vondene Zander
Secretary

Cornie R. Thiessen
Chairman

Motion: DO PASS AS AMENDED SB 329

1978

House

LOCAL GOVERNMENT

COMMITTEE

41st Legislative Assembly

Bill No.	Subject Matter	Date In	Hearing Date	Comments	Date Out	Committee Action	Final Action
SB 270	Fire protection service	2/13	2/19		2/19	Be Concurred	
SB 28	County bond funds--permit county commissioners to use excess amounts for payments of additional expenses	2/13	2/19		2/19	Be Concurred	
SB 221	County Treasurers may take out memberships in certain organizations at expense of the county	2/13	2/21		2/21	Be Concurred	
SB 297	Dept. of Health and Environmental sciences to administer funds aid local government--limit and conditions of funds.	2/14	2/21		2/21	Be Concurred	
SB 307	Providing optional forms of county government	2/14	2/21		2/21	Be Concurred	
SB 329	Counties to let for bid all contracts in excess of \$4,000.	2/15	2/21		2/21	Be Concurred	
SB 139	Increasing payment of county surveyors & members of county boards of comm, for inspect roads	2/15	2/23		2/23	Be Concurred As Amended	

February 21, 1973
Proceedings of the
Local Government Committee

The meeting was called to order at 8:00 by Chairman Kosena. The secretary called roll. Absent were Representatives Cox, Lombardi, Kimble, Mehrens, Roberts, Schepens, Smith.

SENATE BILL 297: Chief sponsor was Representative Boylan. Proponents were Harold Fryslie, City Manager City of Bozeman, Don Williams, Department of Health, Dan Mizner, League of City and Towns. There were no opponents. The committee voted a unanimous be concurred in.

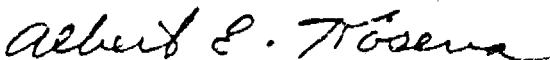
SENATE BILL 221: Senator McNamer was the chief sponsor. There were no proponents or opponents. The committee voted a unanimous be concurred in.

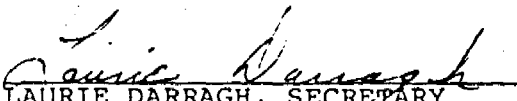
SENATE BILL 329: Senator DeWolfe was the chief sponsor. The proponents were Jerry Loendorf and Dean Zinnicker, Montana Association of County Commissioners. There were no opponents. The committee gave the bill a unanimous be concurred in.

SENATE BILL 307: Chief sponsor was Senate McDonald. Dean Zinnicker, Montana Association of County Commissioners was the only proponent and there were no opponents. The committee gave the bill a unanimous be concurred in.

SENATE BILL 410: There had already been testimony so the committee just voted on it. The vote was unanimous be concurred in as amended.

With no further business the meeting was adjourned.


ALBERT E. KOSENA, CHAIRMAN


LAURIE DARRAGH, SECRETARY

(2) The list of each party may contain twice the number of election judges and clerks to be appointed and not more than a majority may be appointed from one (1) political party for each precinct. *Judges so appointed must be a member of the political party they are to represent.*

(3) The commissioners may appoint election judges and clerks in their discretion to fill vacancies or if a major political party fails to submit a list of election judges.

(4) No person shall be appointed to serve as an election judge or election clerk who is a candidate, spouse of a candidate, or related to a candidate for office within the second degree of consanguinity. However, this subsection does not apply to school district elections nor to candidates for precinct committeeman or committeewoman."

Approved: March 5, 1973.

CHAPTER NO. 126

An Act Providing that Lists Furnished to the Clerks and Recorder Under Section 91-4458, R.C.M. 1947, Shall Be Used By the Clerks and Recorder to Cancel the Registration of Deceased Electors from the Election Rolls.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. There is a new section to be numbered 23-3030, R.C.M. 1947, which reads as follows:

23-3030. Each county clerk shall immediately cancel all registrations of individuals reported as deceased by the department of health and environmental sciences in the department's reports submitted to the county under section 91-4458, R.C.M. 1947.

Approved: March 5, 1973.

CHAPTER NO. 127

An Act Amending Section 16-1803, R.C.M. 1947, to Require Counties to Let for Bid All Contracts Calling for Construction or Purchases in Excess of Four Thousand Dollars (\$4,000) After Advertisement for Bids.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. Section 16-1803, R.C.M. 1947, is amended to read as follows:

"16-1803. Procedure when request for bids is necessary in making contracts for purchases and for construction of buildings exceeding four thousand dollars (\$4,000). (1) No contract shall be entered into between a board of county commissioners for the purchase of any automobile, truck, or other vehicle, or road machinery, or for any other machinery, apparatus, appliances or equipment, or for any materials or supplies of any kind for which must be paid a sum in excess of four thousand dollars (\$4,000), or for the construction of any building, for which must be paid a sum in excess of four thousand dollars (\$4,000) without first publishing a notice calling for bids for furnishing the same, which notice must be published at least once a week, for three (3) consecutive weeks before the date fixed therein for receiving bids, in the official newspaper of the county, and every such contract shall be let to the lowest and best responsible bidder; provided that the provisions of this section shall not apply to contracts for public printing entered into in accordance with the provisions of chapter 12 of Title 16 and provided further, that the provisions of this section shall not apply to contracts for purchases, which in the opinion of the board, are made necessary by fires, flood, explosion, storm, earthquake, or other elements, epidemic, riot, insurrection, or for the immediate preservation of order, or of the public health, or for the restoration of a condition of usefulness which has been destroyed by accident, wear, tear, mischief, or for the relief of a stricken community overtaken by calamity.

(2) When the amount to be paid as the purchase price for any automobile, truck, or other vehicle, or road machinery of any kind, or for any other machinery, apparatus, appliance or equipment, or for any materials or supplies of any kind, shall exceed one thousand dollars (\$1,000.00) the board of county commissioners may provide for the payment of such purchase price in installments extending over a period of not more than three (3) years; provided that when the purchase price is extended over a term of two (2) years or at least forty (40%) per cent thereof shall be paid the first year and the remainder the second year and when such purchase price is extended over a term of three (3) years at least one-third (1/3) of such purchase price to be paid each year; provided that, at the time of entering into the agreement for such purchase, there shall be an unexpended balance of appropriation in the budget for the then current fiscal year available and sufficient to meet and take care of such portion of the purchase price as is payable during the then current fiscal year, and the budget for each following year, in which any portion of such purchase price is to be paid, shall contain an appropriation for the purpose of paying the same.

(3) Every contract entered into for the rental of machinery,

equipment, apparatus, appliances, materials or supplies of any kind, which shall provide for payment of rental, by the county, and that after a certain fixed amount has been paid as rental, the property shall become the property of the county, or any other similar provisions or conditions, shall be deemed and construed to be a contract for sale of such property, and all of the provisions of this section shall apply thereto and govern and control the same."

Approved: March 5, 1973.

CHAPTER NO. 128

An Act Amending Section 44-411, R.C.M. 1947, to Transfer the Responsibility for Indexing the Laws of Montana from the Law Librarian to the Legislative Services Division of the Legislative Council; and Repealing Section 44-412, R.C.M. 1947.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. Section 44-411, R.C.M. 1947, is amended to read as follows:

"44-411. **Index to session laws.** It shall be the duty of the legislative services division of the legislative council to prepare a suitable index of all the laws and resolutions passed or adopted at each session of the legislative assembly of Montana. Such index shall be a thorough index of such laws and resolutions, and of each subject contained in or covered by such laws and resolutions, together with such cross-index as will assist in readily finding any subject or matter contained in such volume; and for the purpose of procuring and preserving uniformity in such indexes, the index of each succeeding volume of the session laws shall conform, as near as practicable, with those of the volumes preceding it. *There shall also be prepared* for each volume of such laws an additional index, showing what sections of the several codes of this state, and what session laws have been amended, repealed, altered, or changed by any laws published in that volume, which shall be known and designated as the "code index." "

Section 2. Section 44-412, R.C.M. 1947, is repealed.

Approved: March 5, 1973.

CHAPTER NO. 129

An Act to Provide that a County Attorney Be Elected in Each County for a Four (4) Year Term; and Amending Section 16-2406, R.C.M. 1947.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. Section 16-2406, R.C.M. 1947, is amended to read as follows:

"16-2406. **County and other officers, when elected and term of office.** There shall be elected in each county the following county officers who shall possess the qualifications for suffrage prescribed by the constitution of the state of Montana, and such other qualifications as may be prescribed by law:

One *county attorney*; one county clerk who shall be clerk of the board of county commissioners and ex officio recorder; one sheriff; one treasurer, who shall be collector of the taxes; provided, that the county treasurer shall not be eligible to his office for the succeeding term; one county superintendent of schools; one county surveyor; one assessor; one coroner; one public administrator. Persons elected to the different offices named in this section shall hold their respective offices for the term of four (4) years, and until their successors are elected and qualified.

County auditors, and all elective township officers, must be elected at each general election as now provided by law. The officers mentioned in this act must take office on the first Monday of January next succeeding their election, except the county treasurer, whose term begins on the first Monday of March next succeeding his election.

Vacancies in all county, township and precinct offices, except that of county commissioners, shall be filled by appointment by the board of county commissioners, and the appointee shall hold his office until the next general election; provided, however, that the board of county commissioners of any county may, in its discretion, consolidate any two or more of the within named offices and combine the powers and the duties of the said offices consolidated; however, the provisions hereof shall not be construed as allowing one (1) office incumbent to be intitled to the salaries and emoluments of two (2) or more offices; provided, further, that in consolidating county offices, the board of county commissioners shall, six (6) months prior to the general election held for the purpose of electing the aforesaid officers, make and enter an order, combining any two (2) or more of the within named offices, and shall cause the said order to be published in a newspaper, published and circulated generally in said county, for a period of six (6) weeks next following the date of entry of said order."

Approved: March 5, 1973.